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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,552	02/13/2002	Ryuji Biro	1232-4819	8407

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EXAMINER

WILSON, PAMELA ANNE

ART UNIT	PAPER NUMBER
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3749

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DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,552

Applicant(s)

BIRO ET AL.

Examiner

Pamela A Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on or before 6/3/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 6-9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-9 not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 10-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,571,057 awarded to Aoki.
4. The invention of Aoki presents an optical element (39a-f) which is made from quartz or fluoride (col. 6, lines 43-52). The optical element is disposed in a container for the purpose of subjecting the element to a rinsing system and method. The rinsing system and method comprises a first container 10 with a light emitting unit 20 disposed inside the first container, and a second container 53b disposed within the first container and arranged so that the light emitting unit is outside the second container. The second container, which houses the optical element, enables irradiation from the light emitting

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unit from the first container to enter the second container through a glass window 38 located on the second container.

5. Aoki further presents an expose device for manufacturing manufacturing and preparing photosensitive members and optical elements (col. 20, lines 53-67 and col. 21, lines 40-62).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,571,057 awarded to Aoki.

8. As stated above, the invention of Aoki presents an optical element (39a-f) which is made from quartz or fluoride (col. 6, lines 43-52). The optical element is disposed in a container for the purpose of subjecting the element to a rinsing system and method. The rinsing system and method comprises a first container 10 with a light emitting unit 20 disposed inside the first container, and a second container 53b disposed within the first container and arranged so that the light emitting unit is outside the second container. The second container, which houses the optical element, enables irradiation from the light emitting unit from the first container to enter the second container through a glass window 38 located on the second container.

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9. In addition, the first container is filled with an inactive gas while the irradiation is transmitted to the second container (col. 7, lines 21-27). As the irradiation rinses the optical element with ultraviolet rays from the light emitting unit, the second container is filled with a gas containing oxygen (col. 8, lines 21-40).

10. The limitation of claim 2, which recites that "the [second] container has no seal member containing an organic substance" is not considered to be properly supported by the application's specification. The disclosure does not present the critical nature of this seal member, nor does it provide any unexpected results arising from the use thereof. Such unsupported claims cannot be a basis for patentability. Applicant is required to show why the implementation of a seal member, not containing any organic substances, is of a critical nature and therefore warrants a basis for a patentable feature.

11. Furthermore, the use of the phraseology "adapted to" does not constitute a positive limitation in a patentable sense. Hence, the recitation of claim 5, which states: "[the] optical element ... being usable in a wavelength region of 200 nm or less" only requires the optical element of Aoki to have the capability to perform in such a manner. Therefore, since the optical element of Aoki is made of the same materials as the Applicant's claimed optical element it is deemed the invention of Aoki meets the aforementioned limitation of claim 5.

12. Accordingly, it is deemed that it would have been obvious to one of ordinary skill in this art and when having the knowledge of the Aoki patent at the time of the invention, to have designed an optical element which is subjected to a rinsing system and method in a controlled environment in which ultraviolet rays are transmitted to the element in a

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container for the purposes of effectively removing contamination from the surface of the element.

Pertinent Prior Art

13. The prior art, which presents exposure devices and methods for optical elements, is made of record and not been relied upon; however, it is considered pertinent to applicant's disclosure: U.S. Patent No. 6288769 awarded to Akagawa et al and U.S. Patent No. 6252648 awarded to Hase et al.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela A Wilson whose telephone number is 703/308-2620. The examiner can normally be reached on Tues-Wed (6:30 a-3:00 p) and alternating Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703/308-1935. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-0861.



Pamela A Wilson

Primary Examiner

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